

the pre-stored plurality of performance evaluation comments based on the student operators performance during the driving route sequence.

## **REMARKS AND DISCUSSION**

In response to the Notice of Non-compliant Amendment of Aug. 4, 2009, this paper is filed as a supplemental amendment to the Amendment E filed on February 27, 2009. In particular, this supplemental amendment addresses the objection to claim 15 and further amends claims 1 and 15 such that the recitation of “driving” has been inserted to correct an alleged antecedent basis issue. In particular, claims 1 and 15 now recite, in part, “a running route upon the driving simulation apparatus.” The remainder of this paper is unchanged from the Amendment E filed on February 27, 2009.

Initially, applicant would like to thank the Examiner for the help and courtesy extended during the telephonic interview which was held between the Examiner and applicant’s assigned representatives on 10 February 2009. During such interview, the prior art references of Busse, Aoki, Walker and Brink were discussed along with the Examiner’s rejections under 35 USC 112 and 35 USC 103. During the interview, as regards the 35 USC 112 rejection, the Examiner advised applicant’s representative to positively recite the source of the performance evaluation comments.

Further, as regards the 35 USC 103 rejections, the Examiner advised applicant’s representative that in the view of the Examiner, the claims as currently written apply to driving games not teaching someone how to drive as per the claimed invention. The Examiner advised applicant’s representative that it is a good idea to positively recite simulation driving by a student in the body of the claim.

Upon entry of the present Amendment, claims 1-16 remain in the application. Of these, claims 1, 7, 11 and 15 are independent. Claims 1, 7, 11 and 15 are amended herein. The amendments are clearly supported in the specification, whereby no new matter is added to the application. The above-identified Office Action has been reviewed, the references carefully considered, and the Examiner’s comments carefully weighed. In view thereof, the present

Amendment is submitted.

It is contended that by the present amendment, all bases of rejection set forth in the Office Action have been traversed and overcome. Accordingly, reconsideration and withdrawal of the rejection is respectfully requested.

#### **AMENDMENTS PRESENTED**

*In the Claims:* Applicant has amended each of the independent claims 1, 7, 11 and 15 herein to more particularly point out and distinctly claim the invention. Specifically, claim 1 further defines that the interactive driving simulation apparatus teaches a student operator how to operate a two-wheeled vehicle on a simulated road, that the simulated operating environment comprises simulated city driving including two-way traffic flow and intersections with side roads, and further that the performance evaluation comments are determined solely on the basis of input from the student operator as interpreted by an electronic controller, and the performance evaluation comments are provided to aid the student operator in assessing current skills so that the student operator can improve his or her driving skills.

Further, applicant has amended claims 7, 11 and 15 in a manner substantially similar to the amendment made to claim 1.

Applicant respectfully submits that the above amendments are fully supported by the original disclosure, including the drawings, specification and claims, and directly pertain to important aspects of the present invention. Applicant also respectfully submits that no new matter is introduced into the application by the above amendments because the entire subject matter thereof was expressly or inherently disclosed in the original claims, specification and drawings.

#### **CLAIM REJECTIONS - 35 USC §112**

First Paragraph

At page 2, item 3 of the Office Action the Examiner rejected claims 1-16 under 35 USC 112, first paragraph, as failing to comply with the written description requirement. The Examiner maintains that in her view, the claim(s) contain subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Specifically, the Examiner has states that in claims 1, 7, 11 and 15 the phrase “outside source” is broader than what the originally filed specification entails because an “outside source” can be anyone or anything. As specified in paragraph 104, an outside source can not be an instruction apparatus for use by an instructor.

*Applicant's Response:*

Upon careful consideration of the Examiner's rejections and the relevant sections of the MPEP and well-established case law, applicant respectfully traverses such rejection, for those reasons as stated in Applicant's Amendment-D. However, in an effort to expedite prosecution of the application, applicant has amended claims 1, 7, 11 and 15 herein to better define that the performance evaluation comments are determined solely on the basis of input from the student operator as interpreted by an electronic controller.

Based on the foregoing, applicant respectfully submits that the rejection of claims 1-16 under 35 USC 112, first paragraph, has been overcome, and it is respectfully requested that such rejection be reconsidered and withdrawn.

Second Paragraph

At page 2, item 5 of the Office Action the Examiner rejected claims 1-6 under 35 USC 112, second paragraph, as indefinite. The Examiner states that in her view, as regards the limitation “the operator” in the body of claim 1, there is insufficient antecedent basis for this limitation in the claim. In addition, the Examiner is unclear whether or not “the operator” is the same as the student operator

or not.

*Applicant's Response:*

Applicant has carefully considered the Examiner's rejection and based on the above amendment to claim 1 applicant respectfully submits that the rejection of claim 1-6 under 35 USC 112, second paragraph, has been overcome, and it is respectfully requested that such rejection be reconsidered and withdrawn.

## **SECTION 103 ISSUES**

At page 3, item 7 of the Office Action the Examiner rejected claims 1-3 and 6 under 35 USC 103 as unpatentable over Busse et al. in view of the previously applied references of Aoki et al. '017, Walker et al., and Brink et al. The Examiner has taken the position that the combination of these references makes obvious all of elements of the claimed invention. Thus, according to the Examiner, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the applied references to achieve the claimed invention.

Further, in the Response to Arguments section, specifically in regards to the performance evaluation comments, the Examiner disagrees with the assertion made in Amendment-D that selectable queries and associated statistics are not equivalent to the performance evaluation comments of the claimed invention. The Examiner states that by using the broadest reasonable interpretation “performance evaluation comments”, the Examiner has equated these comments to be nothing more than telling a player how well they have done. Thus, it is the Examiner’s opinion that Busse teaches the claimed feature. Further, the Examiner states that in her view, the features upon which applicant relies (i.e., performance evaluation comments and/or constructive comments) are not recited in the rejected claims. As such, it is the Examiner’s continued opinion that the above references singly or in combination discloses the simultaneous display of simulated operating environment and performance evaluation comments, either audio or visual, which do not require any input from an outside source other than the operator being tested.

### ***Applicant's Response***

Applicant has carefully considered the rejection of the Examiner and the applied references and respectfully traverses the rejection for those reasons as stated in Amendment D, which are not overcome by the Examiner using Busse as the primary reference as opposed to a secondary reference,

as in the Office Action of May 15, 2008. Specifically, applicant respectfully disagrees with such rejection because it is based exclusively on the Examiner's use of impermissible hindsight, rather than from any specific teaching of the prior art. Further, as stated in previous amendments and contrary to the Examiner's arguments, Busse fails to disclose a selector which automatically selects performance evaluation comments based on operator input in a simulated driving route sequence. Further still, the deficiencies of the Busse reference are not taught by or even suggested by any of the applied references when considered singly or in combination thereof.

Relative to the Examiner's rejection of claims 1-3 and 6, initially, applicant notes that Busse discloses a video race car simulation game that provides the user the option of simulating a full or partial simulation of a given race or entire season which according to Busse allows the user to enjoy the gaming experience more while removing the tedium previously associated with game options that slow down the game (yellow flags, etc.). The simulator model of Busse further simulates events that may happen during a race and compiles statistics that can be used later. Such performance related statistics may then be displayed to the user of the simulator. Further still, Busse discloses at paragraph [0040] that when a race is initiated or continued after a cautionary (yellow flag) period a "Pit Under Caution?" pop-up or other selectable option is displayed and the players remaining fuel, tires, and damage meters are shown.

The simulator of Busse, which displays performance statistics, is significantly different than the claimed invention, which automatically selects and displays performance evaluation comments. The Examiner's assertion that the performance statistics of Busse are the same as the performance evaluation comments of the claimed invention is unfounded based on the actual teachings contained within Busse. The system of Busse simply displays simulated gauges which display actual readings taken from various sensors within the simulator. Thus there is no automatic selection required with such a visual display. Further, as noted above, Busse also discloses that options for the player to

choose from that are displayed for the player at set intervals or at set times during the simulated race. These selectable queries, just as the performance statistics displayed to the player, are not equivalent to the performance evaluation comments of the present invention. Thus, Busse discloses numerical statistics that are compiled by the simulation mode to simulate full or partial game play. Distinct from this, the performance evaluation comments of the present invention are constructive comments that come in the form of a phrase that aid the operator in improving his/her driving skills.

Moreover, as previously stated, applicant notes that Busse is fundamentally distinct from the present invention, since Busse is directed to a video game system used primarily for entertainment. To combine such a system intended for entertainment with an instructional system such as disclosed by Aoki or even consider it analogous to the present invention is not obvious.

Relative to Walker, specifically regarding the Examiner's arguments against those arguments presented in Amendment D, the Examiner's arguments appear to be merely conclusory statements. The Examiner merely references the "boiler plate" type language in the conclusion section of Walker's specification, wherein Walker states that the invention as disclosed may be practiced with modifications or alterations and still be within the spirit and scope of the claims. As such, the Examiner's has not presented any evidence against the arguments presented in Amendment-D to disprove applicant's position that Walker is non-analogous art to the claimed invention.

As regards the Brink reference, while the Examiner is using Brink only to teach the use of various methods of communicating comments, applicant continues to assert that Brink is non-analogous art to the present invention because Brink discloses and relates to a method of conducting competitive livestock (animal) judging games by utilizing a plurality of communication media, e.g. Internet, etc. [0001]. Further still, even if Brink were to be considered analogous art as the Examiner asserts, the Examiner's limited assertion that use of various methods of communicating comments is taught by Brink, does not overcome the above deficiencies of the primary references.

However, in an effort to expedite prosecution of the claimed invention, and at the direction of the Examiner during the telephonic interview conducted with applicant's representative, claim 1 has been amended herein to more specifically define that the driving simulation apparatus is used for teaching a student operator how to operate a two-wheeled vehicle on a simulated road and further that. Such a limitation is not disclosed by the cited prior art references, as none of the cited prior art reference disclose a simulation apparatus used for teaching a student how to drive.

Based on the foregoing, applicant respectfully submits that the rejection of claims 1-3 & 6 under 35 USC 103(a), has been overcome, and it is respectfully requested that such rejection be reconsidered and withdrawn.

At page 6, item 8 of the Office Action the Examiner rejected claims 4 and 5 under 35 USC 103 as unpatentable over Busse, Aoki, and Walker, and further in view of Scott (US Publication 2004/0009812). The Examiner has taken the position that the combination of these references substantially discloses and makes obvious all of elements of the claimed invention. Thus, according to the Examiner, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the applied references to achieve the claimed invention.

#### ***Applicant's Response***

Applicant has carefully considered the rejection of the Examiner and the applied references and respectfully traverses such rejection for those reasons as stated above with respect to Busse, Aoki, Walker and because the deficiencies of these references are not overcome by any additional teachings of Scott. Specifically, applicant respectfully submits that none of the above references, either singly or in combination, discloses the simultaneous display of simulated operating environment and performance evaluation comments, either audio or visual, which do not require any input from an outside source other than the operator being tested.



Based on the foregoing, applicant respectfully submits that the rejection of claims 4 and 5 under 35 USC 103(a), has been overcome, and it is respectfully requested that such rejection be reconsidered and withdrawn.

At page 8, item 9 of the Office Action, the Examiner rejected claims 7-10 under 35 USC 103 as unpatentable over Busse in view of Aoki (US Patent No. 5,415,550) Walker, Brink and Aoki. The Examiner has taken the position that the combination of these references substantially discloses and makes obvious all of elements of the claimed invention. Thus, according to the Examiner, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the applied references to achieve the claimed invention.

#### ***Applicant's Response***

Applicant has carefully considered the rejection of the Examiner and the applied references and respectfully submits that the Examiner's rejection is unfounded for those reasons as stated above with respect to Walker/Brink/Busse and Aoki (JP '017) and because the deficiencies of these references is not overcome by any additional teachings of Aoki (US '550). Specifically, applicant submits that none of the above references, either singly or in combination, discloses the simultaneous display of simulated operating environment and performance evaluation comments, either audio or visual, which do not require any input from an outside source other than the operator being tested.

Applicant once again respectfully submits, as previously stated in Amendments B, C and D, that Aoki '550 does not disclose a system of automatically selecting performance evaluation comments based on performance in relation to a specific performance criteria, as claimed in applicant's claim 7. Rather, Aoki '550 discloses a system in which an operator's responses are graded, and an evaluation is made. Also, Aoki '550 discloses recording the entire riding simulation (col. 20, lines 46-50). Regarding Walker/Brink/Busse and Aoki '017 applicant respectfully traverses such rejections based on those reasons as stated above with respect to claims 1-6.

However, in an effort to expedite prosecution of the present application, applicant has amended independent claim 7 in order to more clearly define the claimed invention so as to distinguish the claimed invention over that of Busse. Specifically, applicant has amended claim 7 to better define that the performance evaluation comments are provided to aid the student operator in assessing current skills so that the student operator can improve his or her driving skills.

Based on the foregoing, applicant respectfully submits that the rejection of claims 7-10 under 35 USC 103(a), has been overcome, and it is respectfully requested that such rejection be reconsidered and withdrawn.

At page 13, item 10 of the Office Action the Examiner has rejected claims 11-13 under 35 USC 103(a) as unpatentable over Busse in view of Huston (US Patent No. 6,146,143) and Walker. The Examiner has taken the position that the combination of these references substantially discloses and makes obvious all of elements of the claimed invention. Thus, according to the Examiner, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the applied references to achieve the claimed invention.

#### *Applicant's Response*

Applicant has considered the rejection of the Examiner and the applied references and respectfully traverses such rejection for those reasons as stated above in relation to claims 1-6 with particular emphasis on the deficiencies of Busse (and Walker), and because the deficiencies of these references is not overcome by any additional teachings of Huston.

However, in an effort to expedite the present application, applicant has amended independent claim 11 in order to more clearly define the claimed invention so as to distinguish the claimed invention over that of Busse. Specifically, applicant has amended claims 11 to better define that the performance evaluation comments are provided to aid the student operator in assessing current skills so that the student operator can improve his or her driving skills.

Based on the foregoing, applicant respectfully submits that the rejection of claims 11-13 under 35 USC 103(a), has been overcome, and it is respectfully requested that such rejection be reconsidered and withdrawn.

At page 15, item 11 of the Office Action the Examiner has rejected claim 14 under 35 USC 103 as unpatentable over Busse, Huston, Walker and further in view of Scott. The Examiner has taken the position that the combination of these references substantially discloses and makes obvious all of elements of the claimed invention. Thus, according to the Examiner, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the applied references to achieve the claimed invention.

#### ***Applicant's Response***

Applicant has considered the rejection of the Examiner and the applied references and respectfully traverses such rejection for those reasons as stated above in relation to claim 11, from which claim 14 depends, which are not overcome by any additional teachings of Scott.

Based on the foregoing, applicant respectfully submits that the rejection of claim 14 under 35 USC 103(a), has been overcome, and it is respectfully requested that such rejection be reconsidered and withdrawn.

At page 15, item 12 of the Office Action the Examiner has rejected claim 15 and 16 under 35 USC 103 as unpatentable over Busse, Aoki '017, Aoki '550, Busse, Walker and Brink. The Examiner has taken the position that the combination of these references substantially discloses and makes obvious all of elements of the claimed invention. Thus, according to the Examiner, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the applied references to achieve the claimed invention.

### *Applicant's Response*

Applicant has carefully considered the rejection of the Examiner and the applied references and respectfully traverses such rejection for those reasons as stated above in relation to claims 1-6.

However, in an effort to expedite the present application, applicant has amended independent claim 15 in order to more clearly define the claimed invention so as to distinguish the claimed invention over that of Busse. Specifically, applicant has amended claims 15 to better define that the performance evaluation comments are provided to aid the student operator in assessing current skills so that the student operator can improve his or her driving skills.

Based on the foregoing, applicant respectfully submits that the rejection of claims 15 and 16 under 35 USC 103(a), has been overcome, and it is respectfully requested that such rejection be reconsidered and withdrawn.

### **CONCLUSION**

In conclusion, applicant has overcome the Examiner's rejections of record. While applicant has considered all of the references of record, it is respectfully submitted that the interactive driving simulation apparatus as defined by the present claims, is believed to be allowable over all of the prior art of record.

Accordingly, applicant respectfully requests reconsideration and withdrawal of all grounds of rejection, and allowance of each of the pending claims, in light of the present amendments and arguments.

If the Examiner is not fully convinced of the allowability of all of the claims now in the application, Applicant respectfully requests that the Examiner telephonically contact Applicant's undersigned representative to expeditiously resolve any issues remaining in the prosecution of the application.

Favorable consideration is respectfully requested.

Respectfully submitted,



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WDB/JTG